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# Convention on the Rights of the Child

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**Committee on the Rights of the Child**
**Sixty-eighth session**

**Summary record of the 1957th (Chamber A) meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 21 January 2015, at 10 a.m.

*Chairperson*: Ms. Sandberg

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties** (*continued*)

*Combined fourth and fifth periodic reports of Colombia* (continued)
(CRC/C/COL/4-5; CRC/C/COL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*

2. **Ms. Gaviria Betancourt** (Colombia), responding to questions raised at the 1955th meeting about support and reparation for victims of the armed conflict, said that Colombia was going through a period that was infused with great hope but also great challenges. During the armed conflict of the past three decades, millions of Colombians had been subjected to human rights violations, including forced recruitment, forced displacement and sexual violence. Irrespective of the identity of the perpetrators, the Government was committed to providing comprehensive reparation, protection and care for all victims, 31 per cent of whom had been minors. Its reparations policy, as set out in the 2011 Victims and Land Restitution Act, was predicated on the principles of dignity, respect and participation, and a victim participation protocol adopted in 2014 gave all victims, including women and children, the opportunity to contribute to the peacebuilding and reconstruction process.

3. Information about victims was held in a centralized, gender-disaggregated register which enabled the Government to target and prioritize reparative strategies. Based on figures drawn from the register, almost 70,000 children had been victims of offences attributable to organized criminal groups, including homicides, although the majority of child homicides were attributed to illegal armed groups, with around 1 per cent only being attributed to State officials. Forced displacement had been the most widespread offence, affecting around 1.5 million minors, although a clear decline had been apparent over the past four years and over three fourths of the forcibly displaced families had either returned to their homes or been resettled elsewhere. Around 7,500 children had been forcibly recruited and close to 400 had been victims of sexual violence.

4. The Government continued to address the factors which made children vulnerable to such violations as well as to support the victims. The Ministry of Education had adopted flexible education models which enabled displaced children to continue their schooling and had run awareness-raising programmes to prevent forced recruitment. Contingency plans had been formulated to deal with any collective demobilization that might occur in the future. Psychosocial support was available for victims of sexual violence and the Comprehensive Victim Support and Reparation Unit (Victims Unit) was working with civil society and the Ministry of Justice to encourage reporting, prosecution and appropriate sanctions. The Victims Unit also provided support and emergency assistance for victims of unexploded ordnance and landmines. In 2014, close to 50 children had received assistance of that kind. At present, more than 30,000 minors were involved in reparation proceedings and were receiving financial, social and emotional support to help them through the process.

5. In June 2014, the Colombian Family Welfare Institute had adopted an integrated care policy tailored to the needs of specific victim categories. Reparative strategies were also subject to adjustment at the community level to take account of the specific violations to which local children had been exposed. Children were encouraged to participate in the process and their ideas and suggestions had been considered in round-table discussions at the regional and national level. During the peace negotiations, two young women and one young man had given an account of their wartime experiences as children.

6. **Mr. Madi** (Country Task Force) said that the policies and programmes described did not appear to distinguish adequately among victim categories. Differentiated, targeted

programmes were required to cater for the needs of demobilized child soldiers, forcibly displaced children, child victims of sexual violence and victims of other violations. Focusing on forced recruitment, he asked: how many children had been demobilized in the last 5 years; how many rehabilitation centres offered care for them; where the centres were located; how long they would provide care; what ongoing support would be offered to preclude the possibility of rerecruitment; what funding had been allocated to rehabilitation services; and what training the staff working in rehabilitation centres received. Information about the support available for displaced rural families living adrift in big cities would also be appreciated.

7. **Ms. Gaviria Betancourt** (Colombia) said that since 2007, the Colombian Family Welfare Institute had been running a highly specialized rehabilitation programme for demobilized children on the margin of the law. The programme had been recognized as a paradigm for the world by the United Nations Children's Fund (UNICEF) and other international organizations and was subject to ongoing evaluation and improvement. The passage of the Victims and Land Restitution Act in 2011 had been another milestone in the development of appropriate strategies for victims, all the more so since it had been accompanied by formal Government recognition of the existence of war, as opposed to terrorism, and an undertaking to investigate the structural causes of the conflict.

8. Other programmes of the Colombian Family Welfare Institute that were tailored to the needs of specific victim categories included the reparations programme, which awarded minors compensation that had to be retained intact until they reached majority. Until they did, the focus was on citizenship, social inclusion and psychosocial care and developing the skills that would help child victims to make the right decisions when they turned 18.

9. **The Chairperson** (Coordinator, Country Task Force) asked how the State party ensured the effective and efficient execution of resettlement and return programmes, in view of the fact that policy was generally developed in the city but implemented in remote, rural areas. She would also like more details about children's contributions to the peace process and about the content and current status of the victim participation protocol.

10. **Ms. Gaviria Betancourt** (Colombia) said that children were contributing to decisions that affected them at different levels throughout the country. In the course of 2014, the Office of the High Commissioner for Peace, in conjunction with UNICEF, the Victims Unit and other national bodies, had run workshops and forums in various regions at which children were encouraged to provide suggestions and other input for the post-conflict reconstruction process. The three young persons who had spoken during the peace negotiations between representatives of the Government and the Revolutionary Armed Forces of Colombia (FARC) had made important recommendations about the future care and support that should be provided to child victims.

11. Efforts to make local communities aware of the provisions of the victim participation protocol were under way across the country. Looking to the future, the aim was that all decisions affecting victims should be taken in participatory forums. The district-level transitional justice committees and newly created municipal participation boards would have key roles in the protocol's progressive roll-out.

12. **Mr. Madi** said that more information about funding was needed, since effective implementation of the numerous policies and programmes in place would require not only a huge coordination effort but also copious resources. Although, according to the central victim's register, only a small percentage of child homicides could be attributed to State officials, even that amounted to an unacceptable number. He would therefore like to know what steps were being taken to ensure that State officials implicated in human rights violations did not enjoy impunity.

13. **Ms. Gaviria Betancourt** (Colombia) said that over the past decade, Government investment in victim care and support had been higher than ever before, totalling over US$ 15 billion. All human rights violations committed by State officials were treated as extremely serious matters. The authorities had adopted a zero-tolerance approach, and all alleged violations perpetrated by members of the security forces or paramilitary organizations were duly investigated.

14. **Ms. Flórez** (Colombia) said that from 1999 to the present, more than 5,000 demobilized children had received support under a programme carried out by the Colombian Family Welfare Institute. Over that period, the related budget had been in excess of US$ 3.5 billion. The care available under the programme was tailored to the ethnic origin and urban or rural background of the victims. The care programme was broken into various phases for which there was no set time frame; care needs were determined on an individualized basis, and support was provided for as long as needed, and at least until the child reached majority and could access financial compensation. Towards the end of the rehabilitation process, the aim was to place children with foster families in the local community to facilitate their social reintegration.

15. **Ms. Durán** (Colombia) said that in 2012, the Attorney General's Office had prioritized the investigation of acts of organized crime. As at January 2015, 2,665 victims of sexual violence, 778 of whom were minors, had been registered in the transitional justice system. There had been seven convictions against seven defendants, including in a number of emblematic cases, such as that of Salvatore Mancuso and other demobilized members of the now defunct *Autodefensas Unidas de Colombia* (United Self-Defence Forces of Colombia), in which a pattern of widespread gender-based violence during the conflict had become apparent. In the ordinary justice system, there were 25,775 cases related to sexual crimes in which the victims were children or adolescents. In the last year, the Attorney General's Office, in coordination with the Public Legal Service and the Comprehensive Victim Support and Reparation Unit, had held 437 sessions in seven regions to register, without any risk of revictimization, complaints by women and children of sexual violence related to the armed conflict.

16. With regard to the occupation of schools by armed groups, two criminal investigations were being carried out into events in the department of Antioquia during which a school had been mined in order to sabotage an electoral process.

17. The unlawful recruitment of minors had been identified as a priority for investigation. To date there had been 11 convictions against 27 defendants for the recruitment of 4,030 minors. There were 2,556 proceedings ongoing in relation to unlawful recruitment, of which 43 victims were children and adolescents from indigenous communities.

18. **Mr. Madi** said that he would welcome further information on whether alleged violations by military and police personnel of children's rights, including sexual exploitation, had been investigated and prosecuted. He asked the delegation to comment on the veracity of allegations that the members of the armed forces were sometimes stationed around schools during class time.

19. **The Chairperson** asked the delegation to comment on reports of torture and other cruel treatment of children by government agents or non-State armed groups.

20. **Ms. Durán** (Colombia) said that 232 cases of murder allegedly committed by law enforcement personnel in the context of the armed conflict were being investigated by the Human Rights and International Humanitarian Law Unit. There had also been a number of exemplary convictions, such as the case of a police officer who had been sentenced to 60 years in prison for the sexual assault and murder of two minors. Cases of torture were also being investigated.

21. **Mr. Ardila** (Colombia) said that, under the Children and Adolescents' Code, all forms of participation of children and adolescents in military activities were prohibited and schools were designated as protected zones. The Ministry of Education was a member of the Intersectoral Commission for the Prevention of Forced Recruitment, Sexual Abuse and Violence against Children and Adolescents by Illegal Armed Groups and Criminal Organizations and had a plan for the prevention of child and adolescent recruitment. There was also a ministerial directive on continuity of education in emergency situations, which required schools to develop risk maps and adopt clear prevention and contingency measures. The Intersectoral Commission had developed procedures to ensure the protection of children in the event of occupation or the presence of the armed forces or illegal armed groups. Training was provided to law enforcement personnel around the country to enhance the protection of children in situations of armed conflict, in accordance with Security Council resolution 1612 (2005).

22. **Mr. Estefenn Rodríguez** (Colombia) said that education was one of the pillars of the 2014–2018 National Development Plan. In the past four years, there had been an increase of more than 20 per cent in public spending on education: total spending in that area was now approximately 5 per cent of gross domestic product. In 2012, the Government had introduced universal free education from preschool to the upper secondary level. Since 2010, there had been a massive increase in the number of vulnerable children under 5 receiving integrated early-childhood services, and some 90,000 new educators had been trained. An education programme on the exercise of human rights was being implemented in 13,600 schools, and a programme on citizenship skills was being carried out in all schools. The distribution of free textbooks to schools, particularly those in rural areas and with poor academic performance, had been organized. Teachers working in remote areas received an added 15 per cent on top of their basic salary. A scholarship fund had been set up to encourage the best secondary school graduates to become teachers. Various programmes had been introduced to enhance recognition of the country's multiculturalism.

23. A number of measures had contributed to reducing the school dropout rate between 2010 and 2014, including increased investment in school transport, flexible education models for students from vulnerable groups and a school meals programme providing breakfast and lunch to students from indigenous groups. The number of students completing the final year of secondary school had increased to 65 per cent in 2013. The coverage rate for higher education had reached 47 per cent in 2014, with more than 2.1 million students enrolled, many of whom were from low-income families and received State financial support. A compensation fund set up to support access to education for victims of the armed conflict had provided funding to more than 2,000 students. University scholarship programmes had been set up for members of vulnerable groups with good academic performance and for the best secondary school graduates.

24. **The Chairperson** asked what was being done to improve the school infrastructure and address the lack of schools nationwide. She wondered whether teachers were generally considered to be well paid.

25. **Mr. Estefenn Rodríguez** (Colombia) said that considerable efforts had been made to enhance the status of the teaching profession. Although their salary was above average, many teachers only worked half days, so their earnings were relatively low. The Ministry of Education had made significant progress in improving teachers' working conditions, including investing in training and further qualifications.

26. **Mr. Nogueira Neto** asked the delegation to comment on the high dropout rate among adolescent girls because of pregnancy, and on educational programmes on gender equality.

*The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.*

27. **Mr. Estefenn Rodríguez** (Colombia) said that in the past four years, the Government had invested 75 per cent more resources in educational infrastructure than it had in the previous eight. In 2014, improvements had been made to more than 4,800 schools, and 50 "mega-schools", with a capacity of between 1,500 and 4,000, had been constructed in urban centres. In January 2015, the Government had issued a call for tender for an investment of US$ 3 billion in education infrastructure over the next four years, including the construction of more than 30,000 classrooms to reduce the current deficit.

28. Under the intersectoral strategy for the prevention of teenage pregnancy, no girl should be excluded from school or subjected to discrimination because of pregnancy. Pregnant adolescents were allowed to have a more flexible school timetable to enable them to attend their antenatal appointments. After the birth, schools were obliged to facilitate breastfeeding and care of the baby. Nonetheless, 13 per cent of girls dropped out of school because of pregnancy.

29. **Ms. Herczog** asked whether there were any plans to improve reproductive health education for children and provide access to abortion. She wondered what efforts were being made to improve the overall breastfeeding rate, which was currently in decline.

30. **Ms. Plazas Michelsen** (Colombia) said that the country's policy on gender equality had been designed in cooperation with civil society following extensive consultations with women, and men, from all sectors and walks of life nationwide. The gender policy covered aspects such as cultural transformation, peacebuilding, financial independence, participation in decision-making, non-violence against women, health and education. Coordination among the 34 State bodies involved in implementing the policy was essential. Significant resources had been allocated for its implementation.

31. Efforts were being made to incorporate a gender perspective at all levels of education, and teachers had been provided with guidelines to ensure there was no discrimination in the classroom. There were also educational programmes on the prevention of violence. From a very early age, children were taught about human rights and gender equality in order to change attitudes about traditional gender roles.

32. Colombia had unfortunately not met the Millennium Development Goal on reducing teenage pregnancy, which was one of the country's biggest social problems. The Government had adopted a comprehensive national policy to address the social, cultural and economic aspects of the phenomenon, in addition to improving sexual education and access to contraception. Some of the causes of the high teenage pregnancy rate, which currently stood at 19.5 per cent, were gender inequality, domestic violence, lack of opportunities and the armed conflict.

33. The Ministry of Education had been providing education on sexual and reproductive rights for children and adolescents and their families since 2006. There was an emphasis on empowering young people to take informed decisions on their sexual and reproductive health. All adolescents were entitled to free contraception from their health-care provider. Specialized youth-friendly health services would continue to be strengthened. Training on sexual and reproductive rights was given to members of the armed forces and the police as well as community groups, parents and all those who worked with adolescents. Other components of the policy included the provision of parenting classes and increasing higher education opportunities.

34. **The Chairperson** asked the delegation to comment on reports of underreporting and lack of prosecution of the offence of impregnating girls under 14, given that sexual relations with anyone under that age were a crime. She also wished to know more about the high maternal mortality rate among adolescents.

35. **Ms. Plazas Michelsen** (Colombia) said that it was true that physicians did not always report cases of girls under the age of 14 being made pregnant, possibly out of a fear that such reporting might expose them to danger if they were practising in small, isolated communities. However, the situation was now being monitored by the Health Inspectorate to ensure that pregnancies of girls under the age of 14 were reported. According to the Attorney General's Office, over 8,000 investigations of such cases were now under way. The Attorney General's Office and the Colombian Family Welfare Institute were working together to speed up prosecutions.

36. **The Chairperson** recalled that a question about abortion had been raised by Ms. Herczog.

37. **Ms. Plazas Michelsen** (Colombia) said that abortion was illegal under the Constitution, except in cases of rape or malformation of the foetus or where the mother's life was in danger. Several Constitutional Court rulings had directed health-care professionals to respect those exceptions. The rulings had been widely circulated to ensure that women's reproductive health rights were well known.

38. **Ms. Herczog** asked the delegation to address reports that physicians were refusing to perform abortions, in violation of the relevant rulings by the Constitutional Court.

39. **Ms. Plazas Michelsen** (Colombia) said that individual physicians could exempt themselves on moral grounds from practising abortions, but not all physicians could claim that exemption in a given hospital. Nevertheless, in certain hospitals, it had sometimes been difficult to implement the Constitutional Court's rulings. The Health Inspectorate had improved matters by mandating abortions to be performed in certain circumstances, and it could also impose sanctions for non-compliance.

40. **Ms. Herczog** asked what was being done to reverse the decline in breastfeeding.

41. **Ms. Alarcón** (Colombia) said that the Government was concerned about the phenomenon. Specific actions had been put in place through a national breastfeeding plan and a plan to combat child malnutrition. In addition, the number of days allowed for maternity leave had been increased, breast milk banks had been introduced and special programmes had been started to improve women's knowledge about parenting and child health.

42. Turning to questions asked at the 1955th meeting about the intra-family violence and early-childhood services, she said that the latter were part of a highly structured policy framework. The Government had developed a tailor-made roadmap for early-childhood services, was monitoring how the specific needs of young children were met and sought to use quality criteria to ensure that policies on early childhood had an impact from before birth through to the end of childhood. Colombia was committed to intensifying its focus on children who were victims of rape, abuse and conflict, on the marginalized and isolated and on children with disabilities. Training families, including through peer-to-peer mentoring for children and parenting skills for adults, had the potential to deal with problems pre-emptively.

43. In relation to maternal and child mortality, there was a growing recognition that the whole approach needed to change. The health sector was currently preparing to revise all its clinical guidelines and protocols on maternal and child health.

44. The Government was taking the following action to tackle congenital HIV/AIDS and syphilis: establishing a four-part strategic plan for 2011–2015 to eliminate mother-to-child transmission of HIV and syphilis; increasing the screening of pregnant women for syphilis and HIV; carrying out a study with UNICEF about those affected by mother-to-child transmission of HIV; and training and raising awareness among medical staff, including through regional workshops.

45. As to figures on immunization, she said that it was difficult to collect accurate statistics because of the size of migrant and transient groups within the population. It had been suggested that there was a 20 per cent shortfall in immunization, but rates nationwide had actually increased in recent years. The national average for vaccination against diphtheria, tetanus and pertussis had grown from 80 to 91 per cent in just a year, and among children under 1, the rate for vaccination against measles, mumps and rubella had gone from 88 to 92 per cent. However, about 400 municipalities reported vaccination coverage at below 80 per cent. To tackle the regional disparities with the national average, the Government was: ensuring that vaccines were distributed in a timely manner and in sufficient numbers; providing all vaccination services free of charge; offering door-to-door services for those unable to come to clinics; and organizing national vaccination days, with robust public communications to raise awareness among the population about the need to vaccinate.

46. **The Chairperson** asked what action Colombia was taking to protect human rights defenders from aggression and to combat discrimination against children with disabilities, HIV/AIDS and those from the LGBTI community.

47. **Ms. Fonseca** (Colombia) said that the State was committed to protecting human rights defenders as part of its responsibility to ensure the rule of law. In 2009, Colombia had implemented an agreement between the State and human rights organizations that comprised a direct and ongoing dialogue, with the aim of finding solutions to problems that human rights defenders encountered in their work, including the threats levelled against them. In 2014, the specialized prosecutors for human rights had opened 60 investigations into attacks on the lives of human rights defenders. A unique programme had been established for the specific purpose of protecting at-risk persons, including human rights defenders: more than 500 people were currently benefiting from the programme.

48. Turning to the issue of clean water, she said that the most significant progress in the last four years had been: the implementation of more than 1,000 water projects; the investment in water projects of more than US$ 1.7 billion that had benefited over 9 million people; and the provision of new water pipelines to 3.5 million people.

49. **Ms. Plazas Michelsen** (Colombia), responding to a question posed earlier, said that the Colombian Family Welfare Institute was responsible for managing adoption programmes, in cooperation with eight private partners that were duly authorized to perform such functions and were monitored by the State. No other private groups were involved in adoption procedures. To ensure that adoptions were capably handled and prevent economic interests from coming into play, trafficking in children and adolescents was criminalized under Colombian law. Any payments to adoption institutions or to biological parents in connection with adopting a child were prohibited, in conformity with the Hague Convention on Protection of Children and Cooperation in respect of Inter-country Adoption. Inter-country adoption was considered a subsidiary mechanism, to be employed only when there were no suitable adoptive families in Colombia. Adoptive families facing serious problems could call on multidisciplinary teams from the Colombian Family Welfare Institute for help. Colombia was committed to avoiding the painful phenomenon of long-term institutionalization of children. True, the procedures for preventing children from being placed into care were still inefficient and slow, but emergency response measures were in place, mental and physical health teams were to be deployed to deal with risk situations and the number of family advocates' offices was to be increased.

50. **Ms. Herczog** said that there were still loopholes in adoption procedures in Colombia. Certain online forums highlighted them and gave advice on how to gain illegal access to children in Colombia. More should be done to increase domestic adoption rates, and to channel funding to trafficking prevention and family strengthening.

51. **Ms. Hoyos** (Colombia) said that the juvenile justice system was geared towards restorative justice and reparation of harm. Minors who committed criminal acts were subject, not to the criminal justice system for adults, but rather to a system of administrative and protective measures. A number of difficulties in operating that system had to be acknowledged, however. Unresolved issues included how the juvenile justice system tied into the family welfare system and whether there was an identifiable oversight body. Civil society organizations, together with government bodies, had firmly opposed parliamentary proposals to lower the age of criminal responsibility or to change the principles of protection underlying the alternative juvenile justice system.

52. In answer to a question about penalties handed down to minors, she said they did not include deprivation of liberty. Since 2007, over 170,000 adolescents had been dealt with by the juvenile justice system. Around a quarter had been granted assisted release, while others had been sentenced to community service or given warnings.

53. **The Chairperson** (Coordinator, Country Task Force), summing up the discussion, said that a number of questions about how certain policies were being implemented on the ground and about prosecutions and impunity remained unanswered. Nevertheless, she thanked the delegation for the informative answers given to the Committee's questions, which had led to a fruitful dialogue.

54. **Ms. Plazas Michelsen** (Colombia) said any critical comments made by the Committee would be acted on in order to improve children's rights in Colombia. She was aware of the challenges ahead, particularly in addressing disparities in the situation of children in urban and rural areas. She thanked the Committee and those who had contributed to the dialogue, including civil society representatives.

*The meeting rose at 1.05 p.m.*